S.B.Civil Writ Petition NO.2244/2005

Goklaram vs. Addl. Divisional Commissioner & ors.

DATE OF ORDER : - 15.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. LR Puniya, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 28.2.2005 passed by Additional Divisional Commissioner, Jodhpur in revision no.26/2005 by which Additional Divisional Commissioner set aside the order of Municipal Board, Barmer dated 12.11.2002 by which the Municipal Board granted lease in favour of petitioner for land of khasra no.1710.

Learned counsel for petitioner submits that the Municipal Board has power to grant lease over agriculture land in view of the provision of Section 80A of the Rajasthan Municipalities Act (for short 'the Act') and the petitioner purchased the possession of land by agreement dated 21.12.1985 and was in possession of the land, therefore, the Additional Divisional Commissioner should not have interfered in the order. It is also submitted that the Additional Divisional Commissioner proceeded to

decide the matter under assumption that the case is covered by the Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974

I have considered the submissions of learned counsel for the petitioner and perused the impugned order.

It is not in dispute that the petitioner submitted application for conversion of land on 11.11.2002 and on the same day, report was sought from the Town Planner and site report was called from the Executive Engineer and both the reports were received on the same day i.e. 11.11.2002 and the order to issue lease was passed on the next date i.e. 12.11.2002. These facts are sufficient to indicate the manner in which possession was taken for conversion of land in dispute, therefore, this Court is not inclined to restore the order which was passed in such manner, by setting aside the order of the Additional Divisional Commissioner.

Accordingly, the present writ petition, having no merit, is hereby dismissed.

(Prakash Tatia), J.

s.phophaliya/-